

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal Case No. 17-20406

Hon. John Corbett O'Meara

v.

D-2 ALPHONS IACOBELLI,
D-3 MONICA MORGAN,

Defendants.

/

**Stipulation for Protective Order Regarding
Production of Tax Records and Search Warrant Materials**

IT IS HEREBY STIPULATED AND AGREED, by and between defendant Alphons Iacobelli (D-2), defendant Monica Morgan (D-3), and the United States of America, through their respective counsel of record, that the Court should enter a protective order pursuant to Federal Rule of Criminal Procedure 16(d)(1) with respect to the production of tax records and search warrant materials.

In support of this stipulation the parties state as follows:

1. The first superseding indictment in this case charges defendant Iacobelli and defendant Morgan with conspiracy to violate the Labor Management Relations Act. Defendant Iacobelli is further charged with two substantive violations of the Labor Management Relations Act, a conspiracy to defraud the

United States and four substantive counts of subscribing false tax returns.

Defendant Morgan is further charged with three substantive counts of subscribing false tax returns and willful failure to file a tax return.

2. During the course of the underlying investigation, the United States obtained tax returns and tax payer information from the Internal Revenue Service pursuant to an Order entered under the provisions of 26 U.S.C. § 6103 (“tax records”). In light of the stated congressional policy favoring the confidentiality of such information, further disclosure of the tax records may only be made pursuant to an order entered under Rule 16 of the Federal Rules of Criminal Procedure. *See* 26 U.S.C. § 6103(h)(4)(D).

3. During the course of the underlying investigation, the United States also obtained documents, records, and items through the execution of search warrants at 39768 Mazuchet Drive, Harrison Township, Michigan and at 1749 Piccadilly Court, Rochester Hills, Michigan. Materials recovered included multiple documents containing social security numbers, tax identification numbers, dates of birth, the names of individuals known to be minors, financial accounts, home addresses and other personal identification information that relates to both parties and non-parties. These recovered records, along with the affidavits, applications, and returns filed in miscellaneous matter 16-mc-50552, are collectively referred to here as “search warrant materials.”

4. To assist Defendants and defense counsel in preparing for trial or other resolution of this matter, the United States seeks authorization to produce the tax records and certain search warrant materials pursuant to the terms of a Protective Order.

5. Due to the sensitive nature of the tax records and the search warrant materials, the disclosure of which might impact the privacy interest of the defendants, witnesses, and victims, the parties hereby agree to the following restrictions on the use and disclosure of those materials:

- (a) Counsel for Defendants may share the tax records and the search warrant materials only with their client, investigators or experts working with defense counsel, and defense counsels' support staff ("members of the defense team"), and may only share them as needed to provide a defense for their client in this case, including any direct appeal;
- (b) Counsel for Defendants may use the tax records and the search warrant materials to question or prepare potential witnesses, including showing the materials to such witnesses, but shall not allow such witnesses to retain copies of the tax records and the search warrant materials;

- (c) Counsel for Defendants, prior to disclosing any tax records or the search warrant materials to any member of the defense team, will inform each person receiving those materials of the terms of the Protective Order;
- (d) Defendants shall make no disclosure of the Tax Records and the Search Warrant Materials to anyone who is not a member of the defense team; and
- (e) Any court filing that includes or refers to any of the Tax Records or the Search Warrant Materials, which filing contains social security numbers, tax identification numbers, dates of birth, the names of individuals known to be minors, financial accounts or home addresses of parties or non parties, shall be filed in compliance with Rule 49.1 of the Federal Rules of Criminal Procedure and the Electronic Filing Policies and Procedures of the United States District Court for the Eastern District of Michigan.
- (f) Within ninety (90) days of the conclusion of the plea or trial (or any direct appeal therefrom), counsel for Defendants shall either provide written confirmation to the United States that the originals and all copies of the tax records and the search warrant materials have been destroyed or shall return the originals and all copies of the tax records and the search warrant materials to counsel for the United States.

6. The parties agree that the Defendants' need for the discovery materials in this criminal proceeding outweighs any the interests of any individual under the Privacy Act, 5 U.S.C. § 552a. To the extent that the disclosure of the discovery materials pursuant to this stipulation and order may result in the disclosure of information protected from non-consensual distribution by the Privacy Act, the parties are authorized to disclose such information and shall not

be found to have violated the Privacy Act by such disclosures.

SO STIPULATED:

/s/Bruce C. Judge

Bruce C. Judge
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Dated: August 10, 2017

/s/David F. DuMouchel

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Dated: August 10, 2017

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Dated: August 10, 2017

SO ORDERED:

HON. JOHN CORBETT O'MEARA
United States District Judge

Dated: